



Urban Rights and Sustainability in Latin-America: First Steps towards Urban Justice Operationalization

* Dr. JAVIER ALONSO GOMEZ DAVILA

Faculty of Architecture, Universidad del Valle de México, Campus Monterrey Norte, Monterrey, Mexico

E mail: javier.gomez@uvmnet.edu

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ABSTRACT

The following research is based on the affirmation that urban sustainability in developing regions, such as Latin America, is an impossible goal to be totally achieved, due to the circumstances of poverty, informality (slums), corruption, violence, among others that exist there. Therefore, the urban sustainability in the cities of this region has to be reached through survival efforts that seek to balance the existing inequalities (urban justice). So, the first step to take is to detect and measure those inequalities, in order to be able to take actions to eradicate or decrease them. To do that, urban rights were chosen to be used as measuring tools for those urban injustices. The research presents five priority urban rights contextualized to the Latin-American spatiality, called the Latin-American urban rights (right to a living place, right to the public space, right to alterity, right to mobility and accessibility, and right to good government practices and public policies), that were obtained after analyzing urban and social characteristics in different cities such as Santiago, Chile, Salvador de Bahía, Brazil, and Monterrey, México. Finally, a first proposal of operationalization of the Latin-American urban rights is presented, which was applied to a case study in the city of Monterrey, México, in order to prove the efficiency of the model.

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1. Introduction

This paper states that although sustainability is a concept that initially seeks to achieve a common welfare status, this hasn't been able to be achieved due to several reasons, so it is proposed to make a critical review and a re-definition of that concept, in order to obtain more tangible tools that allow us to move forward urban justice in the contemporary city.

The "traditional" concept of sustainable development that has predominated in the political, academic and cultural discourses from the past two decades has been the one of a balance between the economic, social and

*Corresponding Author:

Faculty of Architecture, Universidad del Valle de Mexico,
Campus Monterrey Norte, Monterrey, Mexico

E-mail address: javier.gomez@uvmnet.edu

environmental areas that guarantees the resources of present and future generations.

It is a concept born from the different crisis provoked by the industrial revolution in the XIX and XX centuries, which produced changes and consequences that have generated more negative issues than benefits to the contemporary society, such as environmental depredation, social inequalities and poverty exacerbation, uncontrolled urbanizations, social and urban fragmentation, excessive water and energy consumption, among others.

But over time, the disenchantment has been constant, especially in the Latin-American region, where the expectations of sustainable development haven't been fulfilled in their contemporary cities, which are dynamic, flexible, effective, versatile and global, but are also places of violence, poverty and injustice, with an evident polarization of wealth and power, generating new urban crisis, and a need for staking out a re-thinking of the whole sustainability concept.

The sustainable development concept mentioned above, hasn't accomplished its proposed expectations, because its trialectics of an economical-social-environmental balance has created a "global sustainability" concept, with big generalizations that are applied as a unique "recipe" to any urban problem without taking into account the particular contexts of each city. And that general concept has lost sight of the interactions and simultaneities that are produced when its three elements crisscross each other, leaving open a lot of possibilities and problems to attend.

Therefore, that global concept of sustainability is an impossible goal to achieve given the mentioned urban circumstances. Different authors in the last years have suggested that the idea of urban sustainability as has been presented, is a utopia (Ruano, 2000) for different reasons, being one of them, that, because the general concept of sustainability refers to a state of balance, in which its economic, social and environmental elements remain stable, it is impossible to apply it to any city environment, which is anything but stable, static and balanced, due to its dynamic, changing, hybrid, and unstable nature.

That is why the efforts to achieve sustainability in the contemporary city don't have to be directed to balance their elements, but to shorten the distance between them, trying to adjust the spatial injustices presented in each specific context.

Another aspect to establish is that, in order to shorten that distance between the economic, social and environmental aspects of sustainability, it is necessary to complement its traditional approaches, which are mostly thought in quantitative terms, that is, the sustainability levels are measured in numeric units (poverty index, CO₂ tons in the atmosphere, deforested hectares, gross domestic product, population census, etc.), which is good and useful, but it needs a qualitative counterpart that can analyze and measure the people and their daily life processes, as well as the aspects of their culture, identity, and the spatial manifestations generated in their different urban geographies. That is why, it is proposed, that contemporary urban sustainability has to be measured also in spatial units, justice units, and urban rights that allow us to monitor the relationship between people and their built environments, and with that, help to increase dignity and spatial justice in those environments, contributing to achieve "feasible levels of sustainability".

When the contemporary sustainability concept ceases to be only "global", and can have a "local" complement that contextualizes it into the different cities' spatialities, and in the moment when the sustainable analysis opens its trialectics (economical-social-environmental) and includes justice and considers it as a qualitative counterpart, then, we could talk about a "feasible" and "achievable" sustainability.

2. A proposal for an updated urban sustainability concept

To redefine the idea of sustainability, to a more updated concept, and transform it into an operable concept, that can be useful for urban issues interventions, the first step is to "spatialize" it, in the same way as Edward Soja did it with the concept of justice (Soja, 2010), that is, to generate a consciousness that the geographies in which we live in, can be changed and reconfigured, and with that new consciousness, to "land" the concept from the abstract, to a more specific contexts of the contemporary urban life, giving it different scales (local, regional, national, global), which will allow us to explore strategies to move towards fairer geographies.

The new concept of sustainability has to have the first name "urban", so that, when we talk about urban sustainability, we will be talking about a spatialized sustainability, not of a concept that belongs to ecology, economy, or sociology.

As a next step in the proposal of this new concept, we must take into account that cities in the world coexist in a division between the cities of the "North", which act as the global centers from which the power and dominant discourses are exercised, also known as first-world cities; and the cities of the "South", that are the megacities of the Global Periphery, the third-world, subordinated to the Global North discourses (Roy, 2009; 2011).

So, in the same way that the urban discourses cannot be the same in the Global North than in the Global South, the sustainability discourses and strategies developed in the Global North can't be the same as the ones developed in the Global South. Fernando Gaja (2005) raises about that, that the sustainability challenges in the Global North have to do with making cities attractive, sustainable, integrated, and solidary. But in the Global South, the challenges of sustainability have to do with stopping and controlling the growth of the cities, to guarantee dignified living conditions, such as the access to basic goods and services, or re-qualify the urban environment, because the urban hypertrophy process they experiment, is aggravated due to the absence and non-compliance of urban and economic planning, which has as a consequence, one of the main urban characteristics of these regions: the informal city.

Thus, for the development of urban sustainability as an applicable concept to the cities of the Global South, it is necessary that along with the traditional urban planning strategies, different strategies and survival efforts are also built from the context of informality and the "border" thinking, with all its elements and spatial components, because the urban sustainability cannot exclude the segregation processes produced in those cities' environments, and must include the fragments and different geographies that compose them.

There are authors like Páez and Alexis (2007), that propose that the concept of sustainability opens its trialectics and includes the element of public institutions that propitiate the needed legal framework to face the urban challenges in an integral way, thinking in transdisciplinary terms, in a proactive way that takes action and seeks solutions, rather than analyze problems without making decisions.

In the other hand, Larraín (2002), declares that excluding the political dimensions of the sustainability triad, has been decisive for its failure, and enunciates that a sustainable society does have to satisfy the needs of present and future generations, but also has to equally

distribute the resources, impose growing limits, and above all, deepen in the democracy concept in order to achieve a social and environmental equity.

This way, urban sustainability has to be proposed also as a more open and transdisciplinary concept, that takes into account the multiple dimensions that act in it. When talking about urban sustainability in the XXI century, it is imperative to include the complex realities that each city presents and that makes them unique, because they derive from their own historical, temporal and spatial context.

The next step is to exemplify how the proposed urban sustainability concept can be flexible and focus in different and more specific contexts, that is, inside the Global South, in spite that there are some characteristics and values in common with the Global North, the realities and circumstances are not the same in Latin-America that in India, Africa, or the Pacific Asia. So, to re-think of an operational urban sustainability concept, it is necessary to consider the local aspects of each region. For example, Latin-America is one of the most urbanized zones of the planet: three of four people of this region live in cities, and it is estimated that almost 44% of the urban population of the region lives in informal areas. Therefore, the increasing informality, even in economical recovering circumstances of some countries, is a central subject in the Latin-American agenda because of its implications in the quality of life of the people that live in these areas, the dysfunctions that it generates in the entire urban society, the environmental commitments that entails, and the urban management problems that provokes (Viana, 2007).

And it is not that there have never been efforts to combat complex phenomena such as Latin-American informality, but most of those efforts have a deep background of political and economic convenience interests, that generate isolated and sectorial interventions (construction of social housing, rehabilitation of deteriorated urban centers, occupation of vacant land and properties, investment in infrastructure and urban services, among others), without a real integration into the broader urban context of the daily life of the inhabitants of the informal city (Fernandes and Smolka, 2004).

This helps to reaffirm the hypothesis that Latin American urban sustainability will be possible only from survival efforts in this context of changes and economic and social processes experienced by this region.

3. An overview of the Latin-American spatiality

The analysis of Latin-American spatiality through cities like Monterrey, México, Santiago, Chile, or Salvador de Bahía, Brazil, made in previous researches (Gómez, 2015; Gómez and Arantes, 2015; Gómez and Arantes, 2016), and the urban-architectural manifestations found there, reinforces what we already know about the region: that due to the economic globalization, the inappropriate release policies and the privatization schemes lacking regulation, among others, are provoking social and urban re-configurations in the Latin-American cities, increasing the contrasts between their “first” and “third” world structures, between the “formal” and “informal” realities that coexist, juxtapose, and mix simultaneously. And, as can be observed in the performed analysis, those contrasts translate into spatial injustices, in some cases, related to security, in others with accessibility and transport, with exclusion and social segregation, poverty, informality, or others. That is why as it has been said before, urban sustainability, especially in the cities of the Global Periphery, have to fight to shorten the distance between those injustices through different strategies.

The researches and analysis performed in the Latin-American cities mentioned before, using different strategies like direct observation, tours through different areas, and a set of interviews with the inhabitants of those areas, allowed to obtain more accurate information regarding some processes of their citizen's daily life. The obtained data and the urban-architectural manifestations found in the analysis, has helped to recognize some particular “habitats” that coexist in the Latin-American city, which are not the only ones, and obviously they take part of a larger urban scale, but were selected as representative for the purposes of this research. These habitats serve to make a more specific and detailed overview, and then, to sketch out a set of urban characteristics that will help in the urban sustainability concept contextualization. The mentioned habitats are the following:

The informal habitat: It refers to the informal settlements, or low-income formal settlements, marginal zones, with an illegal status. They are zones with high levels of poverty, unemployment, crime and socio-spatial exclusion. It is the forgotten city, the inexistent city for the traditional planning and public policies. In some cases, they are in the periphery of the city, and in some others, they are in

central areas surrounded by “planned” settlements of medium or high class. They are zones that are stigmatized as areas to avoid by the rest of the citizens.



Figure 1 & 2. Contrast between formal and informal housing in Santiago, Chile (Gómez, 2015).



Figure 3 & 4. Informal settlements in Monterrey, Mexico (Gómez, 2015).

The habitat of fear: It refers to the settlements (horizontal and vertical) planned under the capital of fear and paranoia, that is, with urban-architectural elements that seek protection and self-segregation from its immediate exterior context, with high walls and perimeter fences, access booths with security guards, surveillance cameras, electrified meshes, among other

security devices. That culture of fear is not only observed in developments of recent creation, but also in older settlements, which, following the trend, modify their existing structure, closing streets with doors and bars, or by building the elements mentioned before.

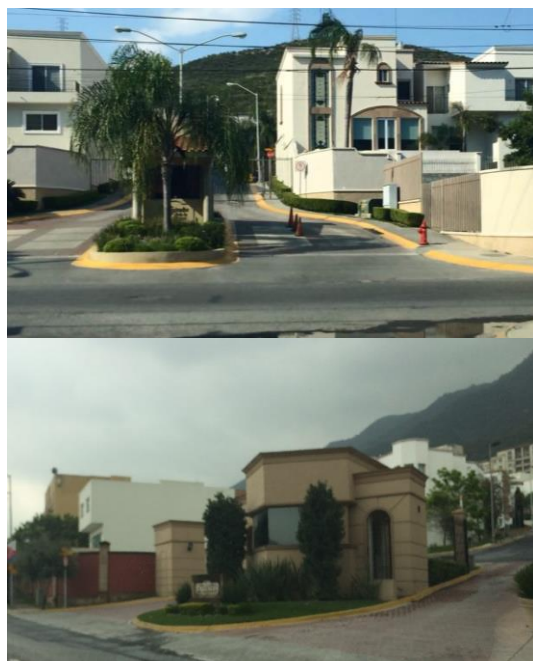


Figure 5 & 6. Access booths and surveillance devices in Monterrey, Mexico (Gómez y Arantes, 2015).



Figure 7. Self-segregation manifestation in Santiago, Chile (Gómez, 2015).



Figure 8 & 9. Access booth and surveillance devices in Salvador de Bahía, Brazil (Gómez y Arantes, 2016. Gómez y Arantes, 2015).

The formal-traditional habitat: It refers to settlements that are a little older in the city, whose urban structure and architectural design does not present the characteristics of the habitat of fear. These are settlements usually of medium class, with open streets and public spaces, consolidated and interconnected with the rest of the city (XX century urban planning), in relatively central or accessible locations within the city.

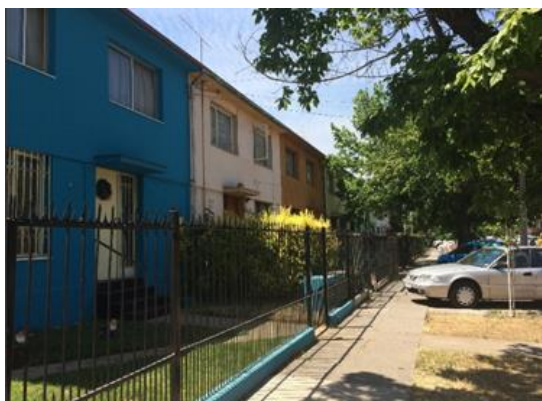


Figure 10 & 11. Formal-traditional habitat in Santiago, Chile (Gómez, 2015).



Figure 12 & 13. Formal-traditional habitat in Monterrey, Mexico (Gómez, 2015).

The global city habitat: It refers to the urban-architectural elements that function as urban “amusement parks” for the tourist and the global postmodern citizen that also lives in the Latin-American city. It is the habitat that has the

shopping mall as a substitute for the traditional public space, which functions as a node that detonates urbanization of its immediate context. It is the urbanization based in commercial buildings of all sizes, hotels, museums, big office and services complexes designed with modern and avant-garde styles, to give the image of a first-world architecture.

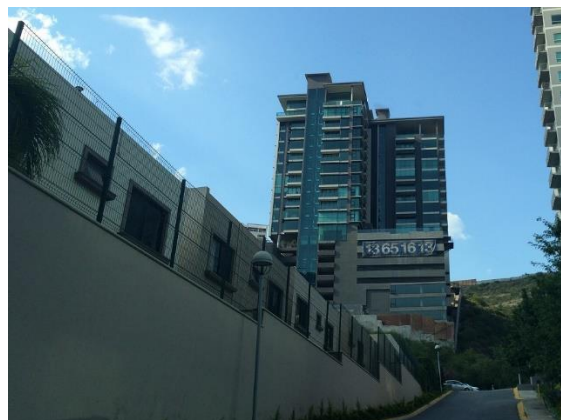


Figure 14 & 15. Global city habitat in Monterrey, Mexico (Gómez, 2015).

Finally, the set of urban characteristics proposed after a more thorough analysis of these habitats is the one that follows:

Latin-American spatiality characteristics

- Informality/urban poverty
- “Border” spatiality: a contrast between first and third world structure
- Hyper-hybridization
- Urban-architectonic manifestations of exclusion and spatial segregation, especially between the “planned” and “not planned” areas.
- Urban vulnerability to natural disasters
- A government weakness regarding the urban planning decision making, and facing the real estate market forces
- Violence, insecurity and war against drug trafficking
- Corruption and a lack of transparency in all government levels

- A very strong urban imaginary of fear and insecurity in every sector of the population
- Deficient or non-existent transport and urban mobility systems
- Little or no regulation regarding environmental impact issues (water management, energy consumption, atmospheric pollution, among others)

This obtained information serves to verify that the Latin-American city is a "border" territory, where we find urban-architectonic elements product of capitalism and globalization combined with elements like informal settlements and urban peripheries.

All of the above contributes to form an image of the contemporary Latin-American city as a city of contrasts between different but simultaneous realities, a city that is not a first world city, nor a third world city, a city in which the limits between formal and informal structures juxtapose, a city that can no longer be planned under the traditional way, or from approaches generated in the Global North. That is why, the Latin-American city needs to contextualize concepts like urban sustainability and justice into more achievable goals, and into efforts of social and spatial fight and survival according to its real context.

4. The Latin-American Urban Rights (LAUR)

Therefore, the proposed unit to evaluate the urban justice/injustice conditions in the Latin-American city is the "urban right". That unit is derived from the concept of "right to the city" coined by Lefebvre and its re-definitions and updates made by several authors like Edward Soja (2010) or David Harvey (2012).

In order to be able to operationalize the "urban right" as an evaluation strategy, it was decided to start from the reinterpretation made by Jordi Borja (2013), in which he states that the right to the city is a democratic response that integrates the rights of the citizens and the urban criteria that makes them possible, and that is conditioned by the physical and political forms of urban development, stating that, in order to materialize the right to the city into citizen demands, it has to be linked to a critique of the current urban dynamics.

Borja also recognizes that as long as the current urban and political criteria are not replaced by those of competitiveness, social cohesion, sustainability, democracy, participation, and a strong will to reduce social inequities, every effort will only be a good intention. That is why, he proposes a fight for the urban rights as a

strategy to give the first steps towards the mentioned changes.

He proposes, then, a catalogue of 21 urban rights to contribute to an urban and political renovation, and to carry out a democratic battle for justice in the cities that legitimate the local demands, and the existing territorial practices, which are listed below:

Right to housing and place, to the public space, to beauty, to collective identity, to mobility and accessibility, to centrality, to the marginal city legitimating, to have a metropolitan government, to political innovation, to information technologies access, to the city as a shelter, to government protection, to justice and security, to illegality, to employment and salary, to environmental quality, to intimacy and difference, to a same-citizen status, to international organizations participation, to transversal information access, and to international associations and governments networks.

This catalogue of urban rights is an important base to re-think the contemporary city in terms of democracy and justice as the qualitative complement of sustainability previously mentioned, establishing this way, a first overview of the various factors that need to be addressed. However, if we want to apply those urban rights to the spatiality of the Latin-American city, they feel incomplete, or a little un-contextualized, because they were stated from an "occidental" and "Spaniard" point of view, due to the cultural and formative contexts of the author.

Therefore, it was decided that a more specific analysis of those rights had to be done, in order to be able to contextualize them, by grouping their intentions and essence, and complementing them with the Latin-American urban characteristics mentioned before, with the purpose of obtaining the "*Latin-American Urban Rights*" (LAUR) that can be used as a more appropriate evaluation tool.

From that contextualization process, it was concluded that the fight for justice in the Latin-American city can be approachable through five general urban rights, that are not the only ones, but they can be the most priority to advance towards a Latin-American urban sustainability to the extent that strategies that involve them are developed:

LAUR 1. Right to a living place: It is not just the right to a shelter or protection, but a right that covers all the basic services needed for a healthy and worthy habitability, with a full freedom of choice their residence place. It's the right to housing with beauty and quality public

spaces nearby. Also, that housing has to contribute to strengthen the feeling of community and collective identity. It has to be accessible or connected to the rest of the city, physically and virtually, and has to guarantee security and tranquility through strategies that seek justice and fight crime. Finally, that housing and its urban environments have to be committed to cause the less possible environmental impact.

LAUR 2. Right to public space: It is a right to the free access to quality public spaces, spaces that help to articulate all of the urban fragments of the city, beautiful, democratic and worthy spaces that also recognize and include the existing spaces in the informal and marginal areas of the city. Spaces that strengthen the feeling of community, belonging and identity, spaces that are safe and that allow a connection not only physical between the people, but also virtual through the free access to the cyberspace and the information technologies. The public space has to be designed and intervened taking into account the best practices for diminishing the environmental impact.

LAUR 3. Right to alterity: Is the right to be recognized as a true citizen. The democratic city must be thought in matters of alterity, that is, including the "other". Its discourses and strategies must accept the difference, multiculturalism, heterogeneity and simultaneity. In the extent that the informal city stops being excluded, and all the citizens are recognized as equal without distinguishing race, beliefs, sexual orientation, gender, migrant situation, social class, etc., the city will move towards urban justice and democracy. It is also about give the same guarantees to everybody regarding security, justice, accessibility, infrastructure and quality of life, and include them in the public policies, giving them voice and decision power over their own urban reality.

LAUR 4. Right to mobility and accessibility: It has the objective of balancing the existing inequalities regarding the access to different transport alternatives in the city, without making one more privileged than the other. It is the right to move and transit freely in the city in the most sustainable and worthy possible way, a right that the city is not planned and designed only for the private vehicles only, but to have multiple and consolidated options for urban mobility, designed to make the citizen's life easier in their daily life activities, diminishing the environmental impact. Accessibility also has to do with stopping the excessive urban sprawl, and strengthen urban nodes/districts to create

mixed centralities accessible to every person. Likewise, it has to do with making a city for vulnerable people like elderly or disabled. This right also seeks to guarantee connectivity, permeability, and mobility infrastructure in an inclusive public space that allows virtual free access to the cyberspace and the information technologies. The citizen also has to have freedom of organization and network creation in any level or scale, and has to have access to the government information (transparency).

LAUR 5. Right to good government practices and public policies: Every citizen has the right to their rulers to be in continuous updating regarding practices, government systems, public policies, citizen participation mechanisms, among others, which must be focused into including the demands of the different social movements, civil associations, academics, etc. It is the right to be considered by the authorities as a first-level citizen, and a right to the government to innovate and update its laws and management instruments according to the realities of the contemporary Latin-American city. A government that has the flexibility of exercise authority with a metropolitan reach beyond the municipal borders, that seeks justice, security and protection of every citizen. A government that is transparent in its actions and movements, without corruption and that not put up actions against the common welfare, but instead, builds associations between the public, the private and the citizens in local and global levels, pledging to watch over the environmental quality in the city.

It's important to note that these five Latin-American urban rights are written in a utopic structure or ideal scenarios of democracy and inclusion, but we have to be aware that achieving a full and complete justice is an impossible and overwhelming task due to the current complexities and the socioeconomic and political conditions, so these rights are not viewed as a set of goals to accomplish in a hundred per cent, but instead, as instruments of evaluation of the urban justice/injustice in the different fragments of the city, and as a guide that point us a direction to follow in the course to a more feasible urban sustainability.

5. Operationalization example in Monterrey, Mexico

According to Anaya (2008), the main issue regarding rights operationalization is that people usually go from enunciating the right to the operationalization process, without making a previous clear and solid definition of the right's

content, that is, establishing what does that right implies and what it means. So that, in order to make a more successful operationalization of an element as subjective as a right, it is necessary to establish with detail and clarity its content, identify its components, select a certain number of indicators, and finally, define the measuring technique of each one of them. With that in mind, an example of the operationalization process of one of the five Latin-American urban rights is going to be presented, establishing its content and elements to measure. The selected right is the right to public space, and from the definition of the right established before, a set of nine elements that compose it is generated:

Right to public space content:

1. Free and safe accessibility to the public space
2. Accessibility, permeability/connection with the city
3. Beauty/Design/quality urban image
4. Maintenance and quality conditions of the public space
5. Strengthen of communitarian identity
6. Security
7. Design and construction with low environmental impact strategies
8. Public space status (formal or informal)
9. Accessibility/connectivity to the cyberspace

And with those 9 elements, turned into indicators, a measuring chart can be created, assigning values from 1 to 5 to measure them, based in the observations, tours and interviews made in the public space that is being measured:

Table 1. Measuring chart example

	LAUR 2. RIGHT TO PUBLIC SPACE	1	2	3	4	5
1	Free and safe accessibility to the public space					
2	Accessibility, permeability/connection with the city					
3	Beauty/Design/quality urban image					
4	Maintenance and quality conditions of the public space					
5	Strengthen of communitarian identity					
6	Security					
7	Design and construction with low environmental impact strategies					
8	Public space status (formal or informal)					
9	Accessibility/connectivity to the cyberspace					

In those 1 to 5 values, 1 is the lowest range value, and is assigned when the evaluated component is nonexistent or is really bad; and 5 is the highest range value, and is assigned when the evaluated component is perceived as consolidated, existent, or really good. For example, if in the "security" component, the interviewed people perceive that their public space is not completely insecure, but neither has a fully consolidated security, a number 3

value would be assigned to it. Obviously, the assigned values are going to vary depending on the perception of the interviewed people, but as it has been explained, this measuring allows us to have a first overview of the evaluated space.

5.1 Measuring example

In the city of Monterrey, Mexico, it has been observed that informal and segregated settlements lack of parks or sports facilities with quality, beauty and accessibility. For that reason, the inhabitants improvise their public space in wasteland, in private land that hasn't been developed, or at the sides of streams and urban rivers. This is an example from the neighborhood called Colonia Alfareros, in which the inhabitants use a non-developed land as a football court:



Figure 16. Aerial view of the analyzed space (Google & author digital manipulation, 2017).



Figure 17. Inhabitants improvising a football court in the non-developed land (Gómez, 2017).

This shows us that there is an important necessity of these kind of spaces, but by being an informal settlement, those spaces are not planned by the authorities, and people has to find their own way to create and use them, turning them into active and functional places.

Now, executing the measuring according to the observations and interviews, we proceed to fill in the measuring chart as follows:

Table 2. Measuring chart filled out

LAUR 2. RIGHT TO PUBLIC SPACE		1	2	3	4	5
1	Free and safe accessibility to the public space					
2	Accessibility, permeability/connection with the city					
3	Beauty/Design/quality urban image					
4	Maintenance and quality conditions of the public space					
5	Strengthen of communitarian identity					
6	Security					
7	Design and construction with low environmental impact strategies					
8	Public space status (formal or informal)					
9	Accessibility/connectivity to the cyberspace					

With this first overview, we can acknowledge that, in order to consider this space as a fair and sustainable space, basically, actions and strategies are needed in all of the components, because there is no component measured in the values 4 or 5. Only the components of accessibility, communitarian identity and security are ranked with the value number 3. With this guide, a set of punctual urban strategies or public policies, oriented to balance those detected inequalities, can start to be developed and established, so that the public space could have a more feasible sustainability.

6. Conclusions

As specific conclusions, we can mention the following: Due to the complexity of the contemporary cities, to reach a totally spatially balanced society is impossible, so it is important to work on efforts and actions that help to balance specific mismatches in the analyzed urban fragments. Traditional intervention strategies seek to solve already produced injustices, instead of intervene and change the processes that produce those injustices, that's why is important to comprehend those processes first, in order to change them and produce different results.

The traditional concept of sustainability, has a discourse that is global and universalist, and its rigid trialectics (economical-social-environmental) and intervention strategies are abstract and hard to contextualize to the different local environments. Therefore, the proposed concept of urban sustainability has to be a flexible concept, open and transdisciplinary that takes into account the concept of justice and urban rights as a qualitative counterpart that measures people's daily life processes in justice units.

The "urban right" is established as the justice measuring unit, and from its analysis and contextualization process, a set of five Latin-American urban rights were proposed as the more priority to face the issues of the Latin-American spatiality, and an example of how they can be operationalized was presented. Finally, it is important to mention, that this is not a finished research. The operationalization steps

are currently being evaluated and taken into practice in others examples. This document only presents a first approach to the subject.

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